

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

ORDER

Genevieve Zimmerman, Michael Sacchet, and Jan Conlin, for Plaintiffs.
Jerry Blackwell, Bridget Ahmann, and Mary Young for Defendants.
J. Randall Benham for Respondents Scott Augustine et al.
Gabriel Assaad and David Hodges, for Plaintiffs and Respondent Kennedy Hodges, LLP.

THIS MATTER came before the undersigned United States Magistrate Judge on February 7, 2017, on 3M and Arizant Healthcare, Inc.’s (“Defendants”) motion to compel production of documents from Respondents Scott Augustine and his related entities (“Augustine”) (ECF No. 182) and the Court’s March 7, 2017 Order (ECF No. 250) (“March 7 Order”) demanding that Augustine produce and clearly identify those documents that correspond to (1) August privilege log entry number 9, and (2) December privilege log entry numbers 1, 5, 9, and 13, *see* Ahmann Aff. Exs. H, J, ECF No. 185, to the Court for *in camera* inspection. The Court received the documents as requested on March 10, 2017. The Court has conducted an *in camera* inspection of these documents consistent with its reasoning and rulings in the March 7 Order. Based upon the foregoing, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. August privilege entry number 9 (identical to August privilege log entry number 10), December privilege log entry number 9 (identical to December privilege log entry number 8), and December privilege log entry number 5, constitute attorney work product. These documents are not discoverable under the work product doctrine privilege.
2. December privilege log entries numbers 1 and 13 are not protected under any

privilege and must be produced to Defendants to the extent that they are responsive to Defendants' discovery requests.

DATED: March 10, 2017

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge

DATED: March 13, 2017

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge